

THEODORE SHOVE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THEODORE SHOVE,

Plaintiff,

v.

WARDEN M. MARTEL, et al.,

Defendants.

No. C 11-3707 RMW (PR)

ORDER DENYING MOTION
FOR RECONSIDERATION

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 seeking injunctive and declaratory relief for alleged civil rights violations. On September 23, 2011, the court dismissed plaintiff's complaint on grounds of abstention. Plaintiff filed a timely motion for rehearing, which this court construed as a motion for reconsideration. To assist the court in determining whether reconsideration was warranted, on November 17, 2011, plaintiff was ordered to file within thirty days, one complete copy of his state habeas petition, case number S193252, filed in the California Supreme Court. Plaintiff was warned that failure to comply would result in the denial of his motion for reconsideration. More than thirty days have passed, and plaintiff has not complied with the court's instruction. Thus, the court finds no basis to reconsider its original ruling. Plaintiff's motion for reconsideration is DENIED. The clerk shall terminate all pending motions.

IT IS SO ORDERED.

DATED: HEB FG

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

Ò) &[•~ |^• Á^} c[Á@ Á |ã [] ^ | ÈWQ D

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

THEODORE SHOVE et al,
Plaintiff,

Case Number: CV11-03707 RMW

CERTIFICATE OF SERVICE

v.

M. MARTEL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 28, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Theodore Shove G11092
San Quentin State Prison
San Quentin, CA 94974

Dated: March 28, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk